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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 ARTHUR LEE ALFRED, II et al.,

15
16 Plaintiffs,

17 v.

18 WALT DISNEY PICTURES,

19 Defendant,
20

Case No. 2:18-CV-08074-CBM-ASx

DISCOVERY MOTION

**SUPPLEMENTAL DECLARATION
OF JORDAN D. SEGALL IN
SUPPORT OF L.R. 37-2.3
SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION TO
COMPEL RESPONSES TO
CONTENTION
INTERROGATORIES**

Judge: Hon. Alka Sagar

Hearing Date: April 26, 2022

Time: 10:00 a.m.

Place: Roybal Ctrm. 540

Pretrial Conf.: January 9, 2023

Trial Date: February 7, 2023

Discovery Cutoff: June 27, 2022

DECLARATION OF JORDAN D. SEGALL

I, Jordan D. Segall, declare as follows:

1. My name is Jordan D. Segall. I am an attorney at Munger, Tolles & Olson LLP, counsel of record for Defendant Walt Disney Pictures (“WDP”) in the above-captioned matter. I have personal knowledge of the facts stated in this declaration and could competently testify to them if called upon to do so. I make this declaration in support of Defendant Walt Disney Pictures’ L.R. 37-2.3 Supplemental Memorandum in Support of Defendant’s Motion to Compel Responses to Contention Interrogatories.

2. The district court in this matter dismissed Plaintiffs’ complaint with prejudice on the ground that the works at issue—Plaintiffs’ Screenplay and Defendant’s motion picture *Pirates of the Caribbean: The Curse of the Black Pearl*—were not substantially similar as a matter of law. The Ninth Circuit Court of Appeals reversed, holding that expert testimony might inform the dispositive question of substantial similarity.

3. Upon remand, I had a telephone conference with Plaintiffs’ counsel, Aleksandra Hilvert and Steven Lowe. I explained that WDP intended to file an early summary judgment motion renewing its argument from the motion to dismiss that the works are not substantially similar as a matter of law. To save the resources of both parties, I proposed bifurcating discovery, so that discovery necessary for WDP’s motion took place in a “phase 1” and all other fact and expert discovery took place in a “phase 2.” Plaintiffs’ counsel agreed with this approach in principle, and the parties proceeded to negotiate a stipulation to bifurcate discovery, among other topics.

4. In the course of those negotiations, on December 29, 2020, I wrote an email to Plaintiffs’ counsel, Aleksandra Hilvert and Steven Lowe. *See* Dkt. 232-1 at 19–20. I stated that “the purpose of bifurcating discovery is so that substantial similarity can be resolved before proceeding to discovery [on] other issues.” *Id.* at

1 20. My reference to resolving substantial similarity referred to WDP's motion for
2 summary judgment on substantial similarity, which I referenced in the same
3 paragraph. *Id.* At the time, I understood, and I believe Plaintiffs' counsel
4 understood, that if WDP's motion for summary judgment was denied, the issue of
5 substantial similarity would not be "resolved," but rather would become a disputed
6 issue for the trier of fact—the jury—to resolve at trial.

7 5. Attached as **Exhibit A** to this declaration is a true and correct copy of
8 excerpts from the deposition of Jerry Bruckheimer, taken by Plaintiffs in this action
9 on March 22, 2022.

10 6. Attached as **Exhibit B** to this declaration is a true and correct copy of
11 excerpts from the deposition of Nina Jacobson, taken by Plaintiffs in this action on
12 March 29, 2022.

13 7. Attached as **Exhibit C** to this declaration is a true and correct copy of
14 excerpts from the deposition of Brigham Taylor, taken by Plaintiffs in this action on
15 March 24, 2022.

16
17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.

19 Executed this 12th day of April, 2022, at Los Angeles, California.
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23 By: Jordan D. Segall
24 Jordan D. Segall
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